

ROSEN & ASSOCIATES, P.C.  
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New York, NY 10017-2803  
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Sanford P. Rosen, Esq.

UNITED STATES BANKRUPTCY COURT  
SOUTHERN DISTRICT OF NEW YORK  
-----X  
SECURITIES INVESTOR PROTECTION  
CORPORATION,

Plaintiff, Adv.Pro.No. 08-01789 (BRL)

v.

BERNARD L. MADOFF INVESTMENT SIPA Liquidation  
SECURITIES, LLC,

Defendant. (Substantively Consolidated)

-----X

In re

BERNARD L. MADOFF INVESTMENT  
SECURITIES, LLC,

Debtor.

-----X

**OBJECTION TO TRUSTEE'S DETERMINATION OF CLAIMS**

Amy Beth Smith, by her attorneys, Rosen & Associates, P.C., hereby objects to (a) the Notice of Trustee's Determination of Claim dated October 19, 2009 with respect to Bernard L. Madoff Investment Securities, LLC Account No. 1ZA063 and (b) the Notice of Trustee's Determination of Claim dated October 19, 2009 with respect to Bernard L. Madoff Investment

Securities, LLC Account No. 1ZA065 (hereinafter, collectively referred to as the "**Determination Letters**"). The Determination Letters are attached hereto as Exhibit "A."

**BACKGROUND**

1. Amy Beth Smith is a "customer," as defined by section 78111 of the Securities Investor Protection Act ("**SIPA**"), of Bernard L. Madoff Investment Securities, LLC ("**BLMIS**").

2. Ms. Smith's final BLIMS statement with respect to BLMIS Account No. 1ZA063, dated November 30, 2008, states that she owns securities with a market value of \$102,565.15.

3. Ms. Smith's final BLIMS statement with respect to BLMIS Account No. 1ZA065, dated November 30, 2008, states that she owns securities with a market value of \$597,308.67. (The final BLMIS statement for BLMIS Account No. 1ZA063 and the final BLMIS statement for BLMIS Account No. 1ZA065 are hereinafter collectively referred to as the "**Final Statements**").

4. On December 11, 2008, the above-captioned liquidation proceeding was commenced against BLIMS, pursuant to SIPA. See Order, Securities and Exchange Commission v. Madoff, No. 08-10791 (S.D.N.Y. Dec. 15, 2008) (ordering relief under SIPA and transferring proceeding to the United States Bankruptcy Court for the Southern District of New York) [Docket No. 4].

Irving Picard was appointed Trustee (the "**Trustee**"), charged with overseeing the liquidation of BLMIS and processing customer claims for money pursuant to SIPA. Id.; 15 U.S.C. §78fff-1(a).

5. On December 23, 2008, this Court issued an Order directing the Trustee to disseminate notice and claim forms to BLIMS customers and setting forth claim-filing deadlines. See Order [Docket No. 12]. Upon information and belief, the Trustee disseminated notice and claim forms to BLIMS's customers in accordance with this Court's Order. The December 23, 2008 Order further provided that, to the extent the Trustee disagrees with the amount set forth on a customer claim form, the Trustee "shall notify such claimant by mail of his determination that the claim is disallowed, in whole or in part, and the reason therefor . . ." See Order at 6 [Docket No. 1] (emphasis added).

6. On or about February 2, 2009, Ms. Smith submitted two (2) customer claim forms to Securities Investor Protection Corporation ("**SIPC**") setting forth her claim in the amount of \$102,565.15 and \$597,308.67, respectively. See Smith Customer Claim for Account No. 1ZA063 and Smith Customer Claim for Account No. 1ZA065 (collectively "**Smith Customer Claims**") attached hereto as Exhibit "B."

7. Ms. Smith submitted the Final Statements with the

Smith Customer Claims. See Smith Customer Claims, Exhibit B. On October 19, 2009, the Trustee sent Ms. Smith the Determination Letters denying Ms. Smith's claim. See Determination Letters, Exhibit A.

8. Ms. Smith hereby objects to the Determination Letters for the reasons described below.

**GROUND FOR OBJECTION**

9. First Objection. The Determination Letters fails to comply with this Court's December 23, 2008 Order that directs the Trustee to satisfy customer claims and deliver securities in accordance "with the Debtor's books and records." Dec. 23, 2008 Order at 5 [Docket No. 12]. The Final Statements that as mentioned above were included by Ms. Smith, are the best evidence of the amount owed based on the Debtor's books and records. Accordingly, the claims should be allowed in the full amount of \$102,565.15 and \$597,308.67, respectively.

10. Second Objection. The Trustee has set forth no legal basis for disallowing the Smith Customer Claims in full as filed. The only explanations set forth in the Determination Letters are that (1) "[n]o securities were ever purchased for your account," and (2) the "claim is allowed for ... the amount of money you deposited with BLMIS for the purchase of securities, less subsequent withdrawals, as outlined in Table

1." Determination Letters at 1, Exhibit A. Neither of these purported grounds for disallowance have any statutory or other legal basis. Moreover, the Determination Letters:

(a) do not clearly provide "the reason" for the disallowance, as required by this Court's December 23, 2008 Order;

(b) are inadequate to rebut the prima facie validity of the Smith Customer Claims as provided in 11 U.S.C. § 502(a) and Bankruptcy Rule 3001(f); and

(c) violates general principles of applicable law that require that objections to a proof of claim set forth, at a minimum, the relevant facts and legal theories upon which the objection is based. As stated by the Bankruptcy Court for the Southern District of New York, "[t]he best practice is to denominate an objection to a claim as just that. The body of the objection should identify the claim. It should also, at a minimum, allege those facts necessary to support the objection . . . and provide a description of the theories on which it is based. In short, proofs of claim have been held analogous to complaints initiating civil actions; an objection to a claim should therefore meet the standards of an answer. It should make clear which facts are disputed; it should allege facts necessary to affirmative defenses; and it should describe the

theoretical bases of those defenses.'" In re Enron Corp., No. 01-16034, 2003 Bankr. LEXIS 2261, at \*25 (Bankr. S.D.N.Y. Jan. 13, 2003) (citing 9 Collier on Bankruptcy ¶ 3007.01[3] (15<sup>th</sup> ed.) (footnotes omitted)).

11. Third Objection. 15 U.S.C. § 78111(11) provides that a customer's claim shall be allowed in the amount of the customer's "net equity." 15 U.S.C. § 78fff-2(b). Upon information and belief, the Trustee objects to the Smith Customer Claims on the ground that "net equity" should be determined by principal contributed to the account less any withdrawals, without regard to any gains reflected in the Final Statement or prior BLIMS statements. See Determination Letters Table 1. See also Another View: Unwinding Madoff Fraud Fairly, Deal Blog. NY times.com (May 6, 2009). This is incorrect for the following reasons:

(a) the Trustee's proposed formulation has no support in the language of the statute or interpretive case law and, in fact, adds words and concepts to the statute that do not exist.

(b) SIPA's legislative history emphasizes Congress's intention that the statute protect customer expectations by ensuring that customers of retail brokerage firms can rely on their account statements. The BLIMS

statements received by Ms. Smith stated that she owned a list of blue chip securities. It makes no difference whether the securities were purchased.

A customer generally expects to receive *what he believes* is in his account at the time the stockbroker ceases business. But because securities may have been lost, improperly hypothecated, misappropriated, *never purchased*, or even stolen, it is not always possible to provide to customers that which they expect to receive, that is, securities which they maintained in their brokerage account . . . . By seeking to make customer accounts whole and returning them to customers in the form they existed on the filing date, the amendments . . . . would satisfy customers' legitimate expectations . . . .

S.Rep.No. 95-763, at 2 (1978)(emphasis added). While there may be a basis to disallow customer claims for wholly fictitious securities of nonexistent entities, here the securities set forth on Ms. Smith's Final Statement and prior statements were those of actual companies listed on the stock exchange.

(c) Ms. Smith deposited funds in BLIMS with the expectation that the amount would grow, her account statements showed such growth, and the balances on her Final Statements reflect the benefit of her bargain. The Trustee's formula is an improper and wholly inadequate measure of loss. See Yiscons v. Lehman Brothers, Inc., 244 Fed. Appx. 708, 713-14 (6th Cir.

2007) (court applied expectancy measure of damages to claim against successor in Ponzi scheme case, and rejected money in/money out theory).

(d) the Trustee's Determination Letters are contrary to SIPC's own policies and practices, as reflected in the sworn testimony of Stephen Harbeck, SIPC's President and CEO, and its actions in similar liquidation proceedings. For example, in the New Times SIPA liquidation, in the context of discussing claims filing deadlines, Harbeck acknowledged that SIPC would replace securities listed on customer account statements, even if the securities had never been purchased:

Harbeck: [I]f you file within sixty days, you'll get the securities, without question. Whether -- if they triple in value, you'll get the securities .... Even if they're not there.

Court: Even if they're not there.

Harbeck: Correct.

Court: In other words, if the money was diverted, converted -

Harbeck: And the securities were never purchased.

Court. Okay.

Harbeck: And if those positions triple, we will gladly give the people their securities positions.



Transcript at 37-39, In re New Times Securities Services, Inc., No. 00-8178 (Bankr. E.D.N.Y. July 28, 2000), attached hereto as Exhibit "C." The Second Circuit's discussion of SIPC's claims processing in New Times further indicates that, with respect to customers who thought they were invested in listed securities, SIPC paid customer claims based on the customers' final account statements, even where the securities had never been purchased:

Meanwhile, investors who were misled. . . to believe that they were investing in mutual funds that in reality existed were treated much more favorably. Although they were not actually invested in those real funds -- because Goren never executed the transactions -- the information that these claimants received on their account statements mirrored what would have happened had the given transaction been executed. As a result, the Trustee deemed those customers' claims to be "securities claims" eligible to receive up to \$500,000 in SIPC advances. The Trustee indicates that this disparate treatment was justified because he could purchase real, existing securities to satisfy such securities claims. Furthermore, the Trustee notes that, if they were checking on their mutual funds, the "securities claimants," . . . could have confirmed the existence of those funds and tracked the funds' performance against Goren's account statements.

In re New Times Sec. Services, Inc., 371 F.3d 68, 74 (2d Cir.

2004). See also Brief of Appellant SIPC in In re New Times Sec.

Services, Inc., at 23-24 (under SIPC "reasonable and legitimate claimant expectations on the filing date are controlling even where inconsistent with transactional reality" such as when the customer receives a confirmation reflecting a purchase, "even where the purchase never actually occurred and the debtor instead converted the cash deposited by the claimant to fund that purchase."). Ms. Smith is situated no differently from the "securities claimants" discussed by the Court of Appeals for the Second Circuit. Accordingly, her claims should be recognized in full.

12. In the event that this Court determines that claimed gains on deposited funds should not be allowed, then in the alternative, Ms. Smith is entitled to recover interest on such deposited amounts. Such interest is required as a matter of state law, and the United States Supreme Court has determined that in bankruptcy cases, creditor claims, including the right to interest, are determined by state law. See Travelers Cas. & Sur. Co. of Am. v. PG&E, 549 U.S. 443, 450-51, 127 S.Ct. 1199, 167 L.Ed.2d 178 (2007) ("[W]e have long recognized that the 'basic federal rule' in bankruptcy is that state law governs the substance of claims, Congress having generally left the determination of property rights in the assets of a bankrupt's estate to state law.").

(a) Under New York law, which is applicable here, funds deposited with BLMIS under these circumstances are entitled to interest. See, e.g., N.Y.C.P.L.R. § 5004; N.Y. Gen. Oblig. § 5-501, et seq. Accordingly, the Smith Customer Claim should be recalculated by adding interest to all funds deposited by Ms. Smith.

(b) Under New York law, which is applicable here, Ms. Smith is entitled to any returns BLMIS earned on the deposited funds under principles of unjust enrichment. Accordingly, the Smith Customer Claims should be recalculated by adding the amounts earned by BLMIS on Ms. Smith's deposits. See, e.g., Steinberg v. Sherman, No. 07-1001, 2008 U.S. Dist. LEXIS 35786, at \*14-15 (S.D.N.Y. May 2, 2008) ("Causes of action such as ... conversion and unjust enrichment qualify for the recovery of prejudgment interest."); Eighteen Holding Corp. v. Drizin, 701 N.Y.S.2d 427, 428 (1st Dep't 2000) (awarding prejudgment interest on claims for unjust enrichment and conversion).

13. Fourth Objection. The Trustee's unilateral reduction of the Smith Customer Claims by the amount of any prior gains reflected on the Final Statements, or prior statements, avoids such gains without alleging any grounds therefor or demonstrating that such gains are avoidable under

the Bankruptcy Code's avoidance provisions. As such, any such disallowance is improper and unjustified, and the Determination Letters should be stricken. Fed.R.Bankr.P. 7001(1); Fed.R.Bankr.P. 7008.

14. Fifth Objection. The Trustee's determination assumes that BLIMS never earned funds and, therefore, all gains reported to customers were "fictitious." This assumption is contrary to fact. There is significant evidence that, at some time, BLIMS was at least in part a legitimate business and, therefore, all or a portion of the gains were not fictitious. The burden is on the Trustee to show that BLIMS never earned any amounts to support customer gains and, if at some point it did earn funds, the dates when it ceased to do so. The Trustee is required to state and prove when the Ponzi scheme began.

15. Sixth Objection. Ms. Smith was required to pay significant income taxes on distributions that the Trustee has alleged are fictitious. The Trustee has justified his proposed method of calculating claims as fair and reasonable because fictitious gains should not compete dollar for dollar with claims for funds actually deposited by customers, and his proposed method equalizes the treatment of all customers. This justification is not correct insofar as customers did not have the use of reported, but fictitious, gains because of required

income tax payments. Even assuming arguendo the Trustee's method is correct, the Smith Customer Claims should be adjusted by adding all amounts she actually paid as income taxes on allegedly fictitious gains to equalize his treatment with that of other customers. See SEC v. Byers, 2009 U.S. Dist. LEXIS 63741, at \*11-12 (S.D.N.Y. 2009) (in equitable distribution proceeding, court allowed claims for reinvestment of fictitious profits to equitably treat reinvesting customers as compared with customers receiving distributions).

**RELIEF REQUESTED**

16. For the reasons stated herein, the Smith Customer Claims should be allowed in their entirety.

17. The Trustee's determination amounts to an improper disallowance of a claim that has prima facie validity. See 11 U.S.C. § 502(a). The Trustee has offered no factual or legal basis for his determination. The Trustee's Determination Letters, and the objections contained therein, should be stricken, or alternatively, the Trustee should describe his position in detail including all relevant facts, legal theories, and authorities. Upon the filing of such a statement, this matter will be a contested proceeding under Bankruptcy Rule 9014, and Ms. Smith will file a response.

18. Ms. Smith requests such other relief as may be

just and equitable.

**CONCLUSION**

19. Ms. Smith reserves the right to revise, supplement, or amend this Objection, and any failure to object on a particular ground or grounds shall not be construed as a waiver of Ms. Smith's right to object on any additional grounds.

20. Ms. Smith reserves all rights set forth in Bankruptcy Rule 9014, including, without limitation, rights of discovery.

21. Ms. Smith reserves all objections as to the competence, relevance, materiality, privilege, or admissibility of evidence in any subsequent proceeding or trial of this or any other action for any purpose whatsoever.

22. Ms. Smith incorporates by reference all reservations of rights set forth in the Smith Customer Claim.

Dated: November 18, 2009  
New York, New York

ROSEN & ASSOCIATES, P.C.  
Attorneys for Amy Beth Smith

By: /s/ Sanford P. Rosen  
Sanford P. Rosen

747 Third Avenue  
New York, NY 10017-2803  
(212) 223-1100

Exhibit "A"

**BERNARD L. MADOFF INVESTMENT SECURITIES LLC**

In Liquidation

DECEMBER 11, 2008<sup>1</sup>

**NOTICE OF TRUSTEE'S DETERMINATION OF CLAIM**

October 19, 2009

Amy Beth Smith  
1185 Park Lane  
Yorktown Heights, NY 10598

Dear Amy Beth Smith:

**PLEASE READ THIS NOTICE CAREFULLY.**

The liquidation of the business of BERNARD L. MADOFF INVESTMENT SECURITIES LLC ("BLMIS") is being conducted by Irving H. Picard, Trustee under the Securities Investor Protection Act, 15 U.S.C. § 78aaa *et seq.* ("SIPA"), pursuant to an order entered on December 15, 2008 by the United States District Court for the Southern District of New York.

The Trustee has made the following determination regarding your claim on BLMIS Account No. 1ZA063 designated as Claim Number 004981:

Your claim for securities is **DENIED**. No securities were ever purchased for your account.

Further, based on the Trustee's analysis, the amount of money you withdrew from your account at BLMIS (total of \$241,616.11), as more fully set forth in Table 1 annexed hereto and made a part hereof, is greater than the amount that was deposited with BLMIS for the purchase of securities (total of \$225,000.00). As noted, no securities were ever purchased by BLMIS for your account. Any and all profits reported to you by BLMIS on account statements were fictitious.

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<sup>1</sup> Section 7811(7)(B) of SIPA states that the filing date is "the date on which an application for a protective decree is filed under 78eee(a)(3)," except where the debtor is the subject of a proceeding pending before a United States court "in which a receiver, trustee, or liquidator for such debtor has been appointed and such proceeding was commenced before the date on which such application was filed, the term 'filing date' means the date on which such proceeding was commenced." Section 7811(7)(B). Thus, even though the Application for a protective decree was filed on December 15, 2008, the Filing Date in this action is on December 11, 2008.



As reflected in Table 1, certain of the transfers into or out of your account have been adjusted. As part of the Trustee's analysis of accounts, the Trustee has assessed accounts based on a money in/money out analysis (i.e., has the investor deposited more or less than he or she withdrew from BLMIS). This analysis allows the Trustee to determine which part of an account's balance is originally invested principal and which part is fictitious gains that were fabricated by BLMIS. A customer's allowed claim is based on the amount of principal in the customer's account.

Whenever a customer requested a transfer from one account to another, the Trustee analyzed whether the transferor account had principal in the account at the time of the transfer. The available principal in the account was transferred to and credited in the transferee account. Thus, the reason that the adjusted amount of transferred deposits or withdrawals in Table 1 is less than the purported transfer amount is that the transferor account did not have sufficient principal available to effectuate the full transfer. The difference between the purported transfer amount and the adjusted transfer amount is the amount of fictitious gain that was transferred to or from your account. Under the money in/money out analysis, the Trustee does not give credit for fictitious gains in settling your allowed claim.

Since there were no profits to use either to purchase securities or to pay you any money beyond the amount that was deposited into your BLMIS account, the amount of money you received in excess of the deposits in your account (\$16,616.11) was taken from other customers and given to you. Accordingly, because you have withdrawn more than was deposited into your account, you do not have a positive "net equity" in your account and you are not entitled to an allowed claim in the BLMIS liquidation proceeding. Therefore, your claim is **DENIED** in its entirety.

Should a final and unappealable court order determine that the Trustee is incorrect in his interpretation of "net equity" and its corresponding application to the determination of customer claims, the Trustee will be bound by that order and will apply it retroactively to all previously determined customer claims in accordance with the Court's order. Nothing in this Notice of Trustee's Determination of Claim shall be construed as a waiver of any rights or claims held by you in having your customer claim re-determined in accordance with any such Court order.

Nothing in this Notice of Trustee's Determination of Claim shall be construed as a waiver of any rights or claims held by the Trustee against you.

**PLEASE TAKE NOTICE:** If you disagree with this determination and desire a hearing before Bankruptcy Judge Burton R. Lifland, you **MUST** file your written opposition, setting forth the grounds for your disagreement, referencing Bankruptcy Case No. 08-1789 (BRL) and attaching copies of any documents in support of your position, with the United States Bankruptcy Court and the Trustee within **THIRTY DAYS** after October 19, 2009, the date on which the Trustee mailed this notice.

**PLEASE TAKE FURTHER NOTICE:** If you do not properly and timely file a written opposition, the Trustee's determination with respect to your claim will be deemed confirmed by the Court and binding on you.

**PLEASE TAKE FURTHER NOTICE:** If you properly and timely file a written opposition, a hearing date for this controversy will be obtained by the Trustee and you will be notified of that hearing date. Your failure to appear personally or through counsel at such hearing will result in the Trustee's determination with respect to your claim being confirmed by the Court and binding on you.

**PLEASE TAKE FURTHER NOTICE:** You must mail your opposition, if any, in accordance with the above procedure, to each of the following addresses:

Clerk of the United States Bankruptcy Court for  
the Southern District of New York  
One Bowling Green  
New York, New York 10004

and

Irving H. Picard, Trustee  
c/o Baker & Hostetler LLP  
45 Rockefeller Plaza  
New York, New York 10111

A handwritten signature in cursive script, reading "Irving H. Picard", is written over a horizontal line.

Irving H. Picard

Trustee for the Liquidation of the Business of  
Bernard L. Madoff Investment Securities LLC

DATE	TRANSACTION DESCRIPTION	AMOUNT
12/1/1992	CHECK	\$100,000.00
10/1/2003	TRANS FROM 1ZA06530	\$100,000.00
5/17/2007	CHECK	\$25,000.00
<b>Total Deposits:</b>		\$225,000.00
DATE	TRANSACTION DESCRIPTION	AMOUNT
4/8/1993	CHECK	(\$5,217.47)
7/13/1993	CHECK	(\$3,802.38)
10/13/1993	CHECK	(\$1,572.27)
1/14/1994	CHECK	(\$3,547.24)
4/13/1994	CHECK	(\$3,913.11)
7/14/1994	CHECK	(\$2,873.30)
10/13/1994	CHECK	(\$4,164.99)
1/13/1995	CHECK	(\$2,197.92)
4/13/1995	CHECK	(\$3,386.14)
7/24/1995	CHECK	(\$4,678.02)
10/16/1995	CHECK	(\$3,198.32)
1/12/1996	CHECK	(\$2,832.91)
4/12/1996	CHECK	(\$3,913.64)
7/12/1996	CHECK	(\$2,728.60)
10/11/1996	CHECK	(\$3,058.69)
1/13/1997	CHECK	(\$5,377.90)
4/10/1997	CHECK	(\$4,421.06)
7/11/1997	CHECK	(\$5,655.20)
10/10/1997	CHECK	(\$3,287.72)
1/13/1998	CHECK	(\$3,497.36)
4/8/1998	CHECK	(\$5,013.60)
7/9/1998	CHECK	(\$3,287.30)
10/9/1998	CHECK	(\$2,515.88)
1/13/1999	CHECK	(\$4,504.78)
4/13/1999	CHECK	(\$4,071.44)
7/8/1999	CHECK	(\$5,027.75)
10/8/1999	CHECK	(\$2,602.08)
1/6/2000	CHECK	(\$5,173.55)
4/7/2000	CHECK	(\$4,517.24)
7/7/2000	CHECK	(\$2,846.08)
10/11/2000	CHECK	(\$2,046.12)
1/10/2001	CHECK	(\$1,864.83)
4/6/2001	CHECK	(\$3,680.44)
7/9/2001	CHECK	(\$2,375.34)
10/9/2001	CHECK	(\$1,567.69)

1/11/2002	CHECK	(\$2,255.15)
4/10/2002	CHECK	(\$840.54)
7/8/2002	CHECK	(\$2,595.25)
10/7/2002	CHECK	(\$4,535.78)
1/10/2003	CHECK	(\$1,808.73)
4/9/2003	CHECK	(\$1,772.43)
7/8/2003	CHECK	(\$2,723.00)
10/9/2003	CHECK	(\$2,444.32)
1/8/2004	CHECK	(\$2,307.61)
4/8/2004	CHECK	(\$3,594.98)
7/7/2004	CHECK	(\$5,566.12)
10/7/2004	CHECK	(\$4,437.75)
1/7/2005	CHECK	(\$3,632.89)
4/7/2005	CHECK	(\$3,718.31)
7/7/2005	CHECK	(\$3,988.82)
10/7/2005	CHECK	(\$3,703.07)
1/9/2006	CHECK	(\$5,743.85)
4/7/2006	CHECK	(\$4,733.76)
7/10/2006	CHECK	(\$5,237.92)
10/6/2006	CHECK	(\$8,948.87)
1/8/2007	CHECK	(\$5,280.65)
4/4/2007	CHECK	(\$4,612.95)
7/6/2007	CHECK	(\$5,156.83)
10/4/2007	CHECK	(\$6,702.36)
1/8/2008	CHECK	(\$5,631.05)
4/7/2008	CHECK	(\$1,870.34)
7/7/2008	CHECK	(\$10,463.09)
10/6/2008	CHECK	(\$2,891.33)
<b>Total Withdrawals:</b>		(\$241,616.11)
<b>Total deposits less withdrawals:</b>		(\$16,616.11)

**BERNARD L. MADOFF INVESTMENT SECURITIES LLC**

In Liquidation

**DECEMBER 11, 2008<sup>1</sup>**

**NOTICE OF TRUSTEE'S DETERMINATION OF CLAIM**

October 19, 2009

AMY BETH SMITH  
1185 PARK LANE  
YORKTOWN HEIGHTS, NEW YORK 10598

Dear AMY BETH SMITH:

**PLEASE READ THIS NOTICE CAREFULLY.**

The liquidation of the business of BERNARD L. MADOFF INVESTMENT SECURITIES LLC ("BLMIS") is being conducted by Irving H. Picard, Trustee under the Securities Investor Protection Act, 15 U.S.C. § 78aaa et seq. ("SIPA"), pursuant to an order entered on December 15, 2008 by the United States District Court for the Southern District of New York.

The Trustee has made the following determination regarding your claim on BLMIS Account No. 1ZA065 designated as Claim Number 004988:

Your claim for securities is **DENIED**. No securities were ever purchased for your account.

Further, based on the Trustee's analysis, the amount of money you withdrew from your account at BLMIS (total of \$550,000.00), as more fully set forth in Table 1 annexed hereto and made a part hereof, is greater than the amount that was deposited with BLMIS for the purchase of securities (total of \$170,000.00). As noted, no securities were ever purchased by BLMIS for your account. Any and all profits reported to you by BLMIS on account statements were fictitious.

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<sup>1</sup> Section 7811(7)(B) of SIPA states that the filing date is "the date on which an application for a protective decree is filed under 78eee(a)(3)," except where the debtor is the subject of a proceeding pending before a United States court "in which a receiver, trustee, or liquidator for such debtor has been appointed and such proceeding was commenced before the date on which such application was filed, the term 'filing date' means the date on which such proceeding was commenced." Section 7811(7)(B). Thus, even though the Application for a protective decree was filed on December 15, 2008, the Filing Date in this action is on December 11, 2008.

Since there were no profits to use either to purchase securities or to pay you any money beyond the amount that was deposited into your BLMIS account, the amount of money you received in excess of the deposits in your account (\$380,000.00) was taken from other customers and given to you. Accordingly, because you have withdrawn more than was deposited into your account, you do not have a positive "net equity" in your account and you are not entitled to an allowed claim in the BLMIS liquidation proceeding. Therefore, your claim is **DENIED** in its entirety.

Should a final and unappealable court order determine that the Trustee is incorrect in his interpretation of "net equity" and its corresponding application to the determination of customer claims, the Trustee will be bound by that order and will apply it retroactively to all previously determined customer claims in accordance with the Court's order. Nothing in this Notice of Trustee's Determination of Claim shall be construed as a waiver of any rights or claims held by you in having your customer claim re-determined in accordance with any such Court order.

Nothing in this Notice of Trustee's Determination of Claim shall be construed as a waiver of any rights or claims held by the Trustee against you.

**PLEASE TAKE NOTICE:** If you disagree with this determination and desire a hearing before Bankruptcy Judge Burton R. Lilland, you **MUST** file your written opposition, setting forth the grounds for your disagreement, referencing Bankruptcy Case No. 08-1789 (BRL) and attaching copies of any documents in support of your position, with the United States Bankruptcy Court and the Trustee within **THIRTY DAYS** after October 19, 2009, the date on which the Trustee mailed this notice.

**PLEASE TAKE FURTHER NOTICE:** If you do not properly and timely file a written opposition, the Trustee's determination with respect to your claim will be deemed confirmed by the Court and binding on you.

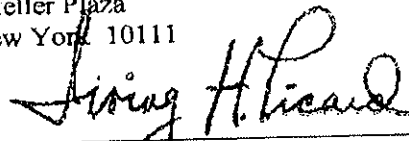
**PLEASE TAKE FURTHER NOTICE:** If you properly and timely file a written opposition, a hearing date for this controversy will be obtained by the Trustee and you will be notified of that hearing date. Your failure to appear personally or through counsel at such hearing will result in the Trustee's determination with respect to your claim being confirmed by the Court and binding on you.

**PLEASE TAKE FURTHER NOTICE:** You must mail your opposition, if any, in accordance with the above procedure, to each of the following addresses:

Clerk of the United States Bankruptcy Court for  
the Southern District of New York  
One Bowling Green  
New York, New York 10004

and

Irving H. Picard, Trustee  
c/o Baker & Hostetler LLP  
45 Rockefeller Plaza  
New York, New York 10111

  
\_\_\_\_\_  
Irving H. Picard

Trustee for the Liquidation of the Business of  
Bernard L. Madoff Investment Securities LLC

DEPOSITS		
DATE	TRANSACTION DESCRIPTION	AMOUNT
12/1/1992	CHECK	\$150,000.00
10/18/2005	CHECK	\$10,000.00
10/25/2006	CHECK	\$10,000.00
<b>Total Deposits:</b>		\$170,000.00
WITHDRAWALS		
DATE	TRANSACTION DESCRIPTION	AMOUNT
10/1/2003	TRANS TO 1ZA06330	(\$100,000.00)
5/26/2005	CHECK	(\$450,000.00)
<b>Total Withdrawals:</b>		(\$550,000.00)
<b>Total deposits less withdrawals:</b>		(\$380,000.00)



Exhibit "B"

**CUSTOMER CLAIM**

Claim Number \_\_\_\_\_

Date Received \_\_\_\_\_

**BERNARD L. MADOFF INVESTMENT SECURITIES LLC**

In Liquidation

**DECEMBER 11, 2008**

Irving H. Picard, Esq.  
Trustee for Bernard L. Madoff Investment Securities LLC  
Claims Processing Center  
2100 McKinney Ave., Suite 800  
Dallas, TX 75201

Provide your office and home telephone no.

OFFICE: \_\_\_\_\_

HOME: 914 245-5949

Taxpayer I.D. Number (Social Security No.)  
113-58-4557



Account Number: 1ZA063  
AMY BETH SMITH  
1185 PARK LANE  
YORKTOWN HEIGHTS, NY 10598

(If incorrect, please change)

**NOTE: BEFORE COMPLETING THIS CLAIM FORM, BE SURE TO READ CAREFULLY THE ACCOMPANYING INSTRUCTION SHEET. A SEPARATE CLAIM FORM SHOULD BE FILED FOR EACH ACCOUNT AND, TO RECEIVE THE FULL PROTECTION AFFORDED UNDER SIPA, ALL CUSTOMER CLAIMS MUST BE RECEIVED BY THE TRUSTEE ON OR BEFORE March 4, 2009. CLAIMS RECEIVED AFTER THAT DATE, BUT ON OR BEFORE July 2, 2009, WILL BE SUBJECT TO DELAYED PROCESSING AND TO BEING SATISFIED ON TERMS LESS FAVORABLE TO THE CLAIMANT. PLEASE SEND YOUR CLAIM FORM BY CERTIFIED MAIL - RETURN RECEIPT REQUESTED.**

\*\*\*\*\*

1. Claim for money balances as of **December 11, 2008**:
- a. The Broker owes me a Credit (Cr.) Balance of \$ \_\_\_\_\_
- b. I owe the Broker a Debit (Dr.) Balance of \$ \_\_\_\_\_

c. If you wish to repay the <sup>Page 27 of 47</sup>Debit Balance,

please insert the amount you wish to repay and

attach a check payable to "Irving H. Picard, Esq.,

Trustee for Bernard L. Madoff Investment Securities LLC."

If you wish to make a payment, **it must be enclosed**

with this claim form.

\$ \_\_\_\_\_

d. If balance is zero, insert "None."

\_\_\_\_\_

2. Claim for securities as of **December 11, 2008:**

**PLEASE DO NOT CLAIM ANY SECURITIES YOU HAVE IN YOUR POSSESSION.**

	<u>YES</u>	<u>NO</u>
a. The Broker owes me securities	_____	_____
b. I owe the Broker securities	_____	_____
c. If yes to either, please list below:		

Date of Transaction (trade date)	Name of Security	Number of Shares or Face Amount of Bonds	
		The Broker Owes Me (Long)	I Owe the Broker (Short)
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____

Proper documentation can speed the review, allowance and satisfaction of your claim and shorten the time required to deliver your securities and cash to you. Please enclose, if possible, copies of your last account statement and purchase or sale confirmations and checks which relate to the securities or cash you claim, and any other documentation, such as correspondence, which you believe will be of assistance in processing your claim. In particular, you should provide all documentation (such as cancelled checks, receipts from the Debtor, proof of wire transfers, etc.) of your deposits of cash or securities with the Debtor from as far back as you have documentation. You should also provide all documentation or

**information regarding any withdrawals you have ever made or payments received from the Debtor.**

Please explain any differences between the securities or cash claimed and the cash balance and securities positions on your last account statement. If, at any time, you complained in writing about the handling of your account to any person or entity or regulatory authority, and the complaint relates to the cash and/or securities that you are now seeking, please be sure to provide with your claim copies of the complaint and all related correspondence, as well as copies of any replies that you received.

**PLEASE CHECK THE APPROPRIATE ANSWER FOR ITEMS 3 THROUGH 9.**

**NOTE: IF "YES" IS MARKED ON ANY ITEM, PROVIDE A DETAILED EXPLANATION ON A SIGNED ATTACHMENT. IF SUFFICIENT DETAILS ARE NOT PROVIDED, THIS CLAIM FORM WILL BE RETURNED FOR YOUR COMPLETION.**

	<u>YES</u>	<u>NO</u>
3. Has there been any change in your account since December 11, 2008? If so, please explain.	_____	_____
4. Are you or were you a director, officer, partner, shareholder, lender to or capital contributor of the broker?	_____	_____
5. Are or were you a person who, directly or indirectly and through agreement or otherwise, exercised or had the power to exercise a controlling influence over the management or policies of the broker?	_____	_____
6. Are you related to, or do you have any business venture with, any of the persons specified in "4" above, or any employee or other person associated in any way with the broker? If so, give name(s)	_____	_____
7. Is this claim being filed by or on behalf of a broker or dealer or a bank? If so, provide documentation with respect to each public customer on whose behalf you are claiming.	_____	_____
8. Have you ever given any discretionary authority to any person to execute securities transactions with or through the broker on your behalf? Give names, addresses and phone numbers.	_____	_____

9. Have you or any member of your family ever filed a claim under the Securities Investor Protection Act of 1970? if so, give name of that broker. \_\_\_\_\_

Please list the full name and address of anyone assisting you in the preparation of this claim form: \_\_\_\_\_

If you cannot compute the amount of your claim, you may file an estimated claim. In that case, please indicate your claim is an estimated claim.

**IT IS A VIOLATION OF FEDERAL LAW TO FILE A FRAUDULENT CLAIM. CONVICTION CAN RESULT IN A FINE OF NOT MORE THAN \$50,000 OR IMPRISONMENT FOR NOT MORE THAN FIVE YEARS OR BOTH.**

**THE FOREGOING CLAIM IS TRUE AND ACCURATE TO THE BEST OF MY INFORMATION AND BELIEF.**

Date 2/3/09 Signature Amy Beth Smith  
Date \_\_\_\_\_ Signature \_\_\_\_\_

(If ownership of the account is shared, all must sign above. Give each owner's name, address, phone number, and extent of ownership on a signed separate sheet. If other than a personal account, e.g., corporate, trustee, custodian, etc., also state your capacity and authority. Please supply the trust agreement or other proof of authority.)

**This customer claim form must be completed and mailed promptly, together with supporting documentation, etc. to:**

Irving H. Picard, Esq.,  
Trustee for Bernard L. Madoff Investment Securities LLC  
Claims Processing Center  
2100 McKinney Ave., Suite 800  
Dallas, TX 75201

**BERNARD L. MADOFF**  
INVESTMENT SECURITIES LLC  
New York ☐ London

885 Third Avenue  
New York, NY 10022  
(212) 230-2424  
800 334-1343  
Fax (212) 838-4061

Affiliated with  
Madoff Securities International Limited  
12 Berkeley Street  
Mayfair, London W1J 8DT  
Tel 020 7493 6222

AMY BEITH SMITH

1185 PARK LANE  
VERKOTOWN HEIGHTS

NY 10598

1-ZA063-3-0

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11/30/08

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ACCOUNT INFORMATION		ACCOUNT BALANCE		ACCOUNT BALANCE	
DATE	DESCRIPTION	DATE	DESCRIPTION	DATE	DESCRIPTION
11/12	120	11/12	120	11/12	120
11/12	184	11/12	184	11/12	184
11/12	68	11/12	68	11/12	68
11/12	270	11/12	270	11/12	270
11/12	132	11/12	132	11/12	132
11/12	180	11/12	180	11/12	180
11/12	104	11/12	104	11/12	104
11/12	380	11/12	380	11/12	380
11/12	10	11/12	10	11/12	10
11/12	44	11/12	44	11/12	44
11/12	326	11/12	326	11/12	326
11/12	270	11/12	270	11/12	270
11/12	52	11/12	52	11/12	52
11/12	100	11/12	100	11/12	100
11/12	260	11/12	260	11/12	260
11/12	70964	11/12	70964	11/12	70964
11/12	12,231.92	11/12	12,231.92	11/12	12,231.92
11/12	55,830	11/12	55,830	11/12	55,830
11/12	87,270	11/12	87,270	11/12	87,270
11/12	59,580	11/12	59,580	11/12	59,580
11/12	38,530	11/12	38,530	11/12	38,530
11/12	28,550	11/12	28,550	11/12	28,550
11/12	21,810	11/12	21,810	11/12	21,810
11/12	100,180	11/12	100,180	11/12	100,180
11/12	16,960	11/12	16,960	11/12	16,960
11/12	59,160	11/12	59,160	11/12	59,160
11/12	43,600	11/12	43,600	11/12	43,600
11/12	27,010	11/12	27,010	11/12	27,010
11/12	12,510	11/12	12,510	11/12	12,510
11/12	3,262.60	11/12	3,262.60	11/12	3,262.60

PLEASE RETAIN THIS STATEMENT FOR INCOME TAX PURPOSES



DATE ACQUIRED	QUANTITY	UNIT COST	ACQUISITION DATE	DISPOSITION DATE	CURRENT VALUE	UNREALIZED GAIN/LOSS
11/12	60	74788	SCHLUMBERGER LTD		49,480	2,979.80
11/12	144	75200	CONCAST CORP		16,510	2,382.44
11/12	234	19114	AIRG INC		21	1,519.86
11/12	72	79616	CONDOPHILIPS		52,510	3,782.72
11/12	18	82468	UNITED BARREX SVC INC		52,049	2,499.82
11/12	292	83942	ENSCO OILFIELD INC		26,130	1,936.40
11/12	84	87766	U S BANCORP		29,530	2,483.52
11/12	109	88268	CELVAN CORP		73,430	7,347.00
11/12	260	92524	GENERAL ELECTRIC CO		19,050	1,932.04
11/12	136	96416	VERIZON COMMUNICATIONS		30,410	4,140.76
11/12	12	96820	FISERV		32,400	4,048.80
11/12			DUE 2/12/2009			
11/12			FIDELITY SPARTAN	2/12/2009	DIV	29.75
11/12			FIDELITY SPARTAN			
11/12	51,149	18455	U.S. TREASURY MONEY MARKET		1	51,149.00
11/19			U.S. TREASURY MONEY MARKET			
11/19			FIDELITY SPARTAN		DIV	5.42
			U.S. TREASURY MONEY MARKET			
			CONTINUED ON PAGE 3			



**PLEASE RETAIN THIS STATEMENT FOR INCOME TAX PURPOSES.**



Affiliated with  
**Madoff Securities International Limited**  
 12 Berkeley Street  
 Mayfair, London W1J 8DT  
 Tel 020 7493 6222

~~SECRET~~

**PLEASE RETAIN THIS STATEMENT FOR INCOME TAX PURPOSES**

**MADEF**  
**BERNARD L. MADOFF**  
**INVESTMENT SECURITIES LLC**  
**New York □ London**

**AMY BETH SMITH**

1185 PARK LANE  
YERKTON HEIGHTS NY 10598

**835 Third Avenue  
New York, NY 10022  
(212) 230-2424  
800 334-1343  
Fax (212) 838-4061**

**Affiliated with**  
**Madoff Securities International Limited**  
12 Berkeley Street  
Mayfair, London W1J 8DT  
Tel 020 7493 6222

1-74063-3-0

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33/30/08

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	CYCLE	DATE	TICKER	PRICE
	136		VERIZON COMMUNICATIONS	32.650
	194		WAL-MART STORES INC.	55.880
	195		MARKET VALUE OF SECURITIES LONG SHORT	

[illegible]



AMY BETH SMITH

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YORKTOWN HEIGHTS NY 10598

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New York, NY 10022  
(212) 230-2424  
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Mayfair, London W1J 8DT  
Tel 020 7493 6222

1-7A063-4-0

11/30/08

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DATE	DESCRIPTION	AMOUNT	PRICE	MARKET VALUE	MARKET PRICE
	BALANCE FORWARD				11,232.00
11/12	NOVEMBER 450 CALL S & P 100 INDEX	48832	17.800	7,124.00	
11/19	NOVEMBER 450 PUT S & P 100 INDEX	39261	30	12,004.00	
11/19	NOVEMBER 450 CALL S & P 100 INDEX	47911	37	14,796.00	
	NEW BALANCE				22,924.00
	SECURITY POSITIONS				
	DECEMBER 450 CALL S & P 100 INDEX		16.500		
	DECEMBER 450 PUT S & P 100 INDEX				
	MARKET VALUE OF SECURITIES				
	LONG	64,600.00			
	SHORT	3,320.00			

PLEASE RETAIN THIS STATEMENT FOR INCOME TAX PURPOSES

**CUSTOMER CLAIM**

Claim Number \_\_\_\_\_

Date Received \_\_\_\_\_

**BERNARD L. MADOFF INVESTMENT SECURITIES LLC**

In Liquidation

**DECEMBER 11, 2008**

Irving H. Picard, Esq.  
Trustee for Bernard L. Madoff Investment Securities LLC  
Claims Processing Center  
2100 McKinney Ave., Suite 800  
Dallas, TX 75201

Provide your office and home telephone no.

OFFICE: \_\_\_\_\_

HOME: 914 245-5949

Taxpayer I.D. Number (Social Security No.)

113-58-4557



Account Number: 1ZA065

AMY BETH SMITH

1185 PARK LANE

YORKTOWN HEIGHTS, NY 10598

(If incorrect, please change)

**NOTE: BEFORE COMPLETING THIS CLAIM FORM, BE SURE TO READ CAREFULLY THE ACCOMPANYING INSTRUCTION SHEET. A SEPARATE CLAIM FORM SHOULD BE FILED FOR EACH ACCOUNT AND, TO RECEIVE THE FULL PROTECTION AFFORDED UNDER SIPA, ALL CUSTOMER CLAIMS MUST BE RECEIVED BY THE TRUSTEE ON OR BEFORE March 4, 2009. CLAIMS RECEIVED AFTER THAT DATE, BUT ON OR BEFORE July 2, 2009, WILL BE SUBJECT TO DELAYED PROCESSING AND TO BEING SATISFIED ON TERMS LESS FAVORABLE TO THE CLAIMANT. PLEASE SEND YOUR CLAIM FORM BY CERTIFIED MAIL - RETURN RECEIPT REQUESTED.**

\*\*\*\*\*

1. Claim for money balances as of **December 11, 2008**:
- a. The Broker owes me a Credit (Cr.) Balance of \$ \_\_\_\_\_
- b. I owe the Broker a Debit (Dr.) Balance of \$ \_\_\_\_\_

- c. If you wish to repay the Debit Balance,  
please insert the amount you wish to repay and  
attach a check payable to "Irving H. Picard, Esq.,  
Trustee for Bernard L. Madoff Investment Securities LLC."  
If you wish to make a payment, it must be enclosed  
with this claim form. \$ \_\_\_\_\_

- d. If balance is zero, insert "None." \_\_\_\_\_

2. Claim for securities as of **December 11, 2008**:

**PLEASE DO NOT CLAIM ANY SECURITIES YOU HAVE IN YOUR POSSESSION.**

- |   | <u>YES</u> | <u>NO</u> |
|---|------------|-----------|
| a. The Broker owes me securities        | _____      | _____     |
| b. I owe the Broker securities          | _____      | _____     |
| c. If yes to either, please list below: |            |           |

Date of Transaction (trade date)	Name of Security	Number of Shares or Face Amount of Bonds	
		The Broker Owes Me (Long)	I Owe the Broker (Short)
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____

Proper documentation can speed the review, allowance and satisfaction of your claim and shorten the time required to deliver your securities and cash to you. Please enclose, if possible, copies of your last account statement and purchase or sale confirmations and checks which relate to the securities or cash you claim, and any other documentation, such as correspondence, which you believe will be of assistance in processing your claim. In particular, you should provide all documentation (such as cancelled checks, receipts from the Debtor, proof of wire transfers, etc.) of your deposits of cash or securities with the Debtor from as far back as you have documentation. You should also provide all documentation or

**Information regarding any withdrawals you have ever made or payments received from the Debtor.**

Please explain any differences between the securities or cash claimed and the cash balance and securities positions on your last account statement. If, at any time, you complained in writing about the handling of your account to any person or entity or regulatory authority, and the complaint relates to the cash and/or securities that you are now seeking, please be sure to provide with your claim copies of the complaint and all related correspondence, as well as copies of any replies that you received.

**PLEASE CHECK THE APPROPRIATE ANSWER FOR ITEMS 3 THROUGH 9.**

**NOTE: IF "YES" IS MARKED ON ANY ITEM, PROVIDE A DETAILED EXPLANATION ON A SIGNED ATTACHMENT. IF SUFFICIENT DETAILS ARE NOT PROVIDED, THIS CLAIM FORM WILL BE RETURNED FOR YOUR COMPLETION.**

	<u>YES</u>	<u>NO</u>
3. Has there been any change in your account since December 11, 2008? If so, please explain.	_____	_____
4. Are you or were you a director, officer, partner, shareholder, lender to or capital contributor of the broker?	_____	_____
5. Are or were you a person who, directly or indirectly and through agreement or otherwise, exercised or had the power to exercise a controlling influence over the management or policies of the broker?	_____	_____
6. Are you related to, or do you have any business venture with, any of the persons specified in "4" above, or any employee or other person associated in any way with the broker? If so, give name(s)	_____	_____
7. Is this claim being filed by or on behalf of a broker or dealer or a bank? If so, provide documentation with respect to each public customer on whose behalf you are claiming.	_____	_____
8. Have you ever given any discretionary authority to any person to execute securities transactions with or through the broker on your behalf? Give names, addresses and phone numbers.	_____	_____

9. Have you or any member of your family ever filed a claim under the Securities Investor Protection Act of 1970? if so, give name of that broker. \_\_\_\_\_

Please list the full name and address of anyone assisting you in the preparation of this claim form: \_\_\_\_\_

If you cannot compute the amount of your claim, you may file an estimated claim. In that case, please indicate your claim is an estimated claim.

**IT IS A VIOLATION OF FEDERAL LAW TO FILE A FRAUDULENT CLAIM. CONVICTION CAN RESULT IN A FINE OF NOT MORE THAN \$50,000 OR IMPRISONMENT FOR NOT MORE THAN FIVE YEARS OR BOTH.**

**THE FOREGOING CLAIM IS TRUE AND ACCURATE TO THE BEST OF MY INFORMATION AND BELIEF.**

Date 2/2/09 Signature Amy Beth Smith  
Date \_\_\_\_\_ Signature \_\_\_\_\_

(If ownership of the account is shared, all must sign above. Give each owner's name, address, phone number, and extent of ownership on a signed separate sheet. If other than a personal account, e.g., corporate, trustee, custodian, etc., also state your capacity and authority. Please supply the trust agreement or other proof of authority.)

**This customer claim form must be completed and mailed promptly, together with supporting documentation, etc. to:**

Irving H. Picard, Esq.,  
Trustee for Bernard L. Madoff Investment Securities LLC  
Claims Processing Center  
2100 McKinney Ave., Suite 800  
Dallas, TX 75201







**BERNARD L. MADOFF**  
INVESTMENT SECURITIES LLC  
New York □ London

385 Third Avenue  
New York, NY 10022  
(212) 230-2424  
800 334-1343  
Fax (212) 838-4061

Affiliated with  
Madoff Securities International Limited  
12 Berkeley Street  
Mayfair, London W1J 8DT  
Tel 020 7493 6222

AMY BETH SMITH

1185 PARK LANE  
YORKTOWN HEIGHTS NY 10598

11/30/98

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1-ZA065-3-0

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DATE	QUANTITY	UNIT COST	ACQUISITION COST	FAIR MARKET VALUE	INCOME TAX	OTHER
11/12	135	74790	SCHLUMBERGER LTD	49,480	6,684.80	
11/12	324	75292	COMCAST CORP	16,510	5,361.24	
11/12	659	79118	AT&T INC	21,772.48	8,772.48	
11/12	162	79618	CGNDGPHILIPS	52,510	8,512.62	
11/12	108	82442	UNITED PARCEL SVC INC	52,040	5,624.32	
11/12	654	83944	3COM SYSTEMS INC	16,798	11,017.82	
11/12	189	87768	U S BANCORP	29,530	5,588.17	
11/12	225	88270	CHERSON CORP	73,430	16,530.75	
11/12	100	92598	GENERAL ELECTRIC CO	19,650	2,775.00	
11/12	306	96420	VERIZON COMMUNICATIONS	30,410	9,317.46	
11/12	27	96922	SPRINT	227,400	8,110.80	
11/12			2/12/2009			
11/12			FIDELITY SPARTAN	DIV		
11/12	37,315	18457	FIDELITY SPARTAN	1	37,315.51	
11/12			U.S. TREASURY MONEY MARKET			
11/12			U.S. TREASURY MONEY MARKET			
11/12			FIDELITY SPARTAN	DIV		
11/12			U.S. TREASURY MONEY MARKET			
11/12			CONTINUED ON PAGE 3			

PLEASE RETAIN THIS STATEMENT FOR INCOME TAX PURPOSES

Affiliated with  
Maddoff Securities International Limited  
12 Berkeley Street  
Mayfair, London W1J 8DT  
Tel 020 7493 0222

885 Third Avenue  
New York, NY 10022  
(212) 230-2424  
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INVESTMENT SECURITIES LLC  
New York ☐ London

AMY BETH SMITH

1185 PARK LANE  
YORKTOWN HEIGHTS NY 10598

11/30/08

1-7A065-3-0 \*\*\*\*\*4557

DATE	ACCOUNT	DESCRIPTION	DEBIT	CREDIT	BALANCE
12/19		FIDELITY SPARTAN		27,704.45	27,704.45
		U.S. TREASURY MONEY MARKET			
11/19		FIDELITY SPARTAN	4,708.00		4,708.00
		NEW BALANCE		50,408.45	50,408.45
		ABBOTT LABORATORIES		52.398	52.398
		AMGEN INC		55.540	55.540
		ARMOUR & COMPANY		79.010	79.010
		CHEVRON CORP		16.540	16.540
		CISCO SYSTEMS INC		17.340	17.340
		COMCAST CORP		17.340	17.340
		GENERAL ELECTRIC CO		17.170	17.170

PLEASE RETAIN THIS STATEMENT FOR INCOME TAX PURPOSES

Affiliated with  
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 Tel 020 7493 6222

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 New York ☐ London



AMY BETH SMITH

1185 PARK LANE  
 YORKTOWN HEIGHTS NY 10598

11/30/09

\*\*\*\*\*4557

1-ZA065-3-0

SECURITY	QUANTITY	ACQUISITION DATE	ACQUISITION PRICE	ADJUSTED COST BASIS	ADJUSTED MARKET VALUE
GOOGLE	27		292.960	35.280	
HEWLETT-PACKARD CO	270		35.280		
INTERNATIONAL BUSINESS MACHINES	155		81.880		
J.P. MORGAN CHASE & CO	405		31.660		
JOHNSON & JOHNSON	297		50.580		
VERIZON COMMUNICATIONS INC	121		26.720		
MICROSOFT CORP	855		20.220		
ORACLE CORPORATION	432		16.090		
UNITED MICROFILMS INTERNATIONAL	170		38.100		
PHILIP MORRIS INTERNATIONAL	225		42.360		
UNITED MICROFILMS INTERNATIONAL	324		66.350		
UNITED MICROFILMS INTERNATIONAL	170		26.720		
FIDELITY SPARTAN	155		1		
U.S. TREASURY MONEY MARKET	4,708				
UNITED MICROFILMS INTERNATIONAL	106		99.971		
CLASS B	50,000		48.530		
UNITED TECHNOLOGIES CORP	106				

PLEASE RETAIN THIS STATEMENT FOR INCOME TAX PURPOSES







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 Madoff Securities International Limited  
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 Mayfair, London W1J 8DT  
 Tel (020) 7493 6222

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 INVESTMENT SECURITIES LLC  
 New York ☐ London

AMY BETH SMITH

1185 PARK LANE  
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1

11/30/98

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